

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CATALDO J. GARZELLA : CHAPTER 13  
Debtor(s) :  
 :  
 :  
 CHARLES J. DEHART, III :  
 STANDING CHAPTER 13 TRUSTEE :  
 Movant :  
 :  
 :  
 vs. :  
 :  
 :  
 CATALDO J. GARZELLA :  
 Respondent(s) : CASE NO. 5-19-bk-04123

TRUSTEE'S OBJECTION TO SECOND AMENDED CHAPTER 13 PLAN

AND NOW, this 9th day of July, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. The Trustee avers that debtor(s)' plan is not feasible based upon the following:
  - a. Insufficient Monthly Net Income as indicated on Schedules I and J. Debtor did not make payments called for in the prior plans that were filed in this case.
  - b. Plan ambiguous – Base amount. Trustee believes and therefore avers that the sale proceeds should be in addition to the monthly payments made from income.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

BY: /s/Agatha R. McHale  
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 9th day of July, 2020, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

David Harris, Esquire  
69 Public Square, Suite 700  
Wilkes Barre, PA 18701

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee